

SOLON TOWNSHIP PLANNING COMMISSION
Tuesday, March 1, 2022
Solon Township Hall
9191 South Kasson Street, Cedar, MI 49621

I. Call Meeting to Order/Pledge of Allegiance

Chairman Morgan called the meeting to order at 7:00 p.m. with the Pledge of Allegiance and a moment of silence.

II. Roll Call / Guest Sign-in

Present: Al Laskey, Member; Steve Morgan, Chair; Lisa Rossi, Member; Samantha Vandervlucht, Member; Meg Paxton, Member; Todd Yeomans, Vice Chair/ZBA Rep and Steve Yoder, Township Board Rep

Staff Present: Tim Cypher, Zoning Administrator; Allison Hubley-Patterson, Recording Secretary

III. Motion to Approve Minutes – February 1, 2022

Chairman Morgan asked for a motion to approve the February minutes. **Laskey moved to approve the February 1, 2022 minutes; Yeomans seconded. All present in favor, motion carried.**

IV. Agenda

Chairman Morgan asked for a motion to approve the March agenda. **Paxton moved to approve the March agenda as presented; Rossi seconded. All present in favor, motion carried.**

V. Correspondence – None

VI. Public Comment (three minutes per person unless extended by Chair) – No public comment

VII. Conflicts of Interest – None reported at this time.

VIII. Reports

Township Board Rep: Yoder stated that there was a board meeting on February 10th. There are upcoming board review meetings scheduled for March 14th from 9:00 a.m. to 3:00 p.m. and on March 15th from 3:00 p.m. to 9:00 p.m. The annual meeting is scheduled for March 26th.

He reported that the cameras have been installed at the recycling center and are working properly; the site is clean and undisturbed at this point.

There was insufficient board support to establish a Fire Authority so a Memorandum of Understanding will be drafted instead. Under the terms of the memorandum, all four townships would own the building and the costs to maintain the building would be shared among the four townships as well.

Yoder also provided an update regarding salaries for the township supervisor, township treasurer, township clerk as well as the per meeting stipend for trustees.

ZBA Rep: no information to report.

ZA: Cypher reported that he issued three land use permits last month and handled a Freedom of Information Act (FOIA) request related to the DeMoulied matter. Cypher stated that his deposition was recently taken in the DeMoulied matter, along with the deposition of Michael Wozniak, Program Manager with the Michigan Department of Agriculture. Cypher stated that Mr. DeMoulied is compliant on the number of animal units but questions remain pertaining to the setbacks. A summary deposition was put forth by Mr. DeMoulied's attorney. Cypher also reported that if the court finds for Mr. DeMoulied, the matter will be resolved.

IX. Zelinski Rezoning Amendment Request

A. Presentation by applicant

Mr. Dave Lewis, PE and surveyor with Gourdie-Fraser, Inc. (GFA) presented on behalf of the firm's clients, Jon and Rachele Zelinski who submitted an application for rezoning of their property which is a 9.43 acre parcel on Allgaier Road (tax identification number: 45-010-035-006-00). Mr. and Mrs. Zelinski would like to develop a business park in the Business 2 zoning district. This rezoning would allow the applicants to have flexibility in terms of how they develop the property in the future.

The proposed use would be for a commercial business park; their own business would also be located in this park. Mr. and Mrs. Zelinski have been in the general contracting business for 24 years and have completed many projects in Leelanau County. The business park would feature commercial pole barns which would be subject to township zoning regulations. Mr. Zelinski stated that these would not have the appearance of agricultural pole barns. In the master plan, this particular area is not mapped as agricultural. If it is rezoned, changes to the earth would be minimal and the topography of the site would not be changed. Additional

items pertaining to the parcel would be addressed under the site plan review.

Mr. and Mrs. Zelinski would control the aesthetic appearance of all buildings, including color and style. Mr. Zelinski mentioned that buildings may be black and cedar which is an aesthetically pleasing combination. The bylaws for the tenants of the business park would indicate restrictions that must be followed so clutter does not accumulate. Traffic in this area would travel slowly. A photograph of the road frontage shows six-foot high elevations; as a result, nothing can be seen beyond the road.

The proposed commercial business park would be a tax base to Solon Township as the land is currently unoccupied. Mr. Lewis stated that the land is currently fallow and is not suitable for farming in its present state. A commercial development will result in a better use of this land. GFA has reviewed the master plan extensively and believes this parcel is an excellent location for the Zelinski's business as well as other businesses that may come into the business park.

B. PC questions / Discussion with applicant

Vandervlucht inquired about the upkeep on the commercial pole barns. Mr. Zelinski responded that these would be maintained and all tenants must adhere to strict guidelines. Paxton inquired how the proposed business park would impact neighbors. Mr. Zelinski stated that he has spoken to the neighbors and will share the site plan with these individuals. Mr. Lewis stated that the setback is approximately fifty feet and that there is plenty of room for screening. Yoder confirmed that there is only one way into the proposed development and one way out. It is not anticipated that this would pose a problem.

There would be no future connections to the Robinson Court site condominium development on the west side of the property.

It was noted that the Fire Department will want a t-turnaround or a cul-de-sac at the road end of the proposed development. A t-turnaround currently exists so a fire truck would be able to turn around in this space.

Morgan inquired as to what the traffic impact will be considering that it is not currently known what types of businesses will go into the proposed business park. Lewis stated that the traffic impact would be minimal. The park includes a horseshoe road that has two outlets to Allgaier Road. Zelinski stated that these would not be high-volume businesses as those would be located closer to Traverse City. Yeomans confirmed that the Zelinski's business would be the first one in the business park. Mr. Zelinski affirmed this and stated that their building would be very attractive; thus, it

would be easy to require that other businesses maintain their location in the park to follow suit. Mr. Zelinski stated that there is a demand for businesses to be located in this particular area.

C. Staff Comments

Cypher informed the PC that the Zelinski's application is complete. He stated that all PC members should review the information that was provided to them and asked if this request would require a master plan amendment.

D. Public Comment (limited to three minutes per person unless extended by Chair)

Mr. Corey Flaska of Leelanau Construction stated that his father applied to have this parcel rezoned to B2 approximately 25 years ago and provided a brief history of the proposed parcel. Mr. Flaska has appeared before the PC over the past three years and is also attempting to have his application approved for a similar business concept.

E. Applicant's Response to Public Comment – PC Response to Public Comment

Mr. Lewis inquired as to why the results of the recent survey to all township residents would impact the decision of the PC if the survey results have not yet been distributed. In response to Mr. Lewis, Cypher stated that the survey was sent out to residents in December. One survey question asked about the desire on behalf of residents for commercial development in the township, but this is not a desired use of the land and residents want the rural appearance of the township to be preserved. Screening and buffering is also a major issue with township residents. The goal of the survey was to take the current temperature of Solon Township residents to determine how they feel about these important topics.

F. PC Further Discussion with Staff (if required)

Cypher stated that regarding Mr. Flaska's application, it would require a master plan amendment to approve Mr. Flaska's proposed plan. Cypher indicated that the Flaska application and the Zelinski application cannot be compared as they are not similar. Previously, the PC decided to place Mr. Flaska's application in abeyance until the Master Plan was potentially updated to provide an avenue for the use.

A recent (May 2021) referendum on a Township Board decision to rezone a similar parcel resulted in a 3-to-1 vote to overturn the township board's decision.

Cypher stated that the final say on a rezoning issue is with the township board and not with the PC. Due to what happened previously, it is important that the PC do their due diligence regarding this matter. Cypher asked all PC members to please come prepared to the next meeting. He asked that they review all information provided to them so that a Public Hearing in the Zelinski matter could be set at the April meeting. Yoder inquired what else needs to be done prior to setting the Public Hearing. Cypher stated that all PC members should carefully study the master plan prior to the April meeting so that they will be comfortable in setting the date for a Public Hearing. The necessary steps must be followed as the PC cannot refuse to accept an application.

Cypher told the PC to look at the B2 zoning section for potential businesses that would be allowed in the business park.

Cypher stated that he could have the Findings of Fact document ready for review at the April meeting but also stated that the notice would need to appear in the paper by Friday, March 4th. Chairman Morgan asked the PC members how they wish to proceed. Yoder stated that he would like to see the Public Hearing held at the April meeting.

Chairman Morgan asked for a motion to set the Public Hearing in the Zelinski matter for the April meeting. **Yoder moved to set a Public Hearing for the Zelinski rezoning amendment for the Solon Township Planning Commission Meeting of April 5th; Rossi seconded.**

Laskey, Paxton, Rossi, Vandervlucht, Yeomans and Yoder voted yes; Morgan voted no. Motion carried.

Defer any recommendations to next month's meeting after Survey and Master Plan Review

X. New Business

A. Survey results update

Paxton reported that approximately 400 responses were received of the 1,300 surveys that were distributed to Solon Township residents; this is a 30% response rate which is favorable. Paxton distributed a book containing the survey results to all PC members and led a discussion which focused on certain questions. Pie charts were used to visually represent the breakdown of responses. Some key findings included the fact that, although this is a large agricultural area, it is a "food desert". It was noted that 31% of the township residents are retired. A question for consideration is how to factor in growth in terms of what residents desire versus the wants and needs of retirees who are entering a different stage

of life. Paxton also noted that 46% of respondents would like to see ancillary dwellings allowed on their property; these dwellings would most likely be used as "Granny flats". Of the respondents, 52% of residents do not want to incur the cost of water and sewer, but 33% of residents would like this topic to be revisited. Cypher discussed the risk and reward involving a sewer system and cited Northport as an example. Internet and cell service were also cited as concerns. Blight was addressed but Cypher stated that the township ordinance does not address blight or property maintenance; this is a matter of police power for the township board.

Discussion ensued regarding whether or not we want to provide more services for Solon Township residents so that a greater percentage of people will shop in the township. At present, retirees must drive very far to obtain certain goods and services. Laskey stated that he believes some specialty businesses would be successful in the township.

Yoder commented that the survey results were presented in a very user-friendly manner and he was pleased with the outcome. Yoder inquired as to where residents want to see commercial development; Paxton stated that many respondents provided four to five key locations within the township for this development. Paxton confirmed that the survey results will be posted to the website for the public to review. Cypher requested that the PDF include page numbers for ease of reference.

XI. Unfinished Business

A. 03.01.22 Draft Ordinance delivered

Cypher stated that the draft ordinance has not yet been printed for the township board. He does not know how the board will go about reviewing the document; the board has concerns with certain sections and language in the ordinance may need to be simplified. Yoder pointed out some areas that need to be edited in the document; Cypher will go through the document again and will make all necessary corrections.

Cypher stated that he would like a motion to be able to address comments from the township board on the master plan at the April meeting.

Chairman Morgan asked for a motion to send the final draft ordinance dated 03.01.22 to the Township Board for their review. **Laskey moved to send the final draft ordinance dated 03.01.22 to the Township Board for their review; Rossi seconded. All present in favor; motion carried.**

B. Master Plan Review – Future Land Use Map – New Growth / PUD areas

Cypher inquired if there should be more discussion about the B2 zoning request relative to the Zelinski parcel. He stated that this would help guide the township board on their final decision. The existing future land use map states that the area should remain agricultural. Cypher noted that the PC must have justification for rezoning as this matter will go to the County, too.

Cypher also stated that the existing future land use map for Cedar does not account for a sewer system. However, if this is where the growth is desired, the future land use map must reflect this and should be changed. Chairman Morgan inquired: When thinking about adjusting the future land use map, why are we thinking about who owns it versus what is best for the township?

Cypher stated that the Flaska property is a different situation because it is in the agricultural preservation map. The Ag preservation map shows the Zelinski property as a residential classification, not commercial. PC members were directed to review a photo of a map in their supplemental packet which shows the distinction between areas that are zoned residential and those that are zoned for commercial use.

Cypher provided an account regarding when the master plan was being worked on between 2008 and 2012. A historical review of all properties in the township was conducted and a map was prepared. A Public Hearing was held and residents overwhelmingly expressed how changes in the Future Land Use Map would adversely affect the township overall in the future.

Yoder commented that the future land use map needs to be changed but the question is how this change should be made. The agricultural preservation map is now approximately 30 years old. The township needs to determine what land is fallow and what land is not. Yoder stated that he has no problem classifying the Zelinski property as B2 for zoning purposes but inquired if there would be any concerns. Cypher stated that as long as the Findings of Fact (FOF) have been completed and reviewed in detail, the PC will be covered.

Cypher reminded the PC members to come prepared to next month's Public Hearing. The Flaska application remains in abeyance due to the preservation map. There will not be a Public Hearing on the Flaska matter. Chairman Morgan indicated that the PC must discuss the future land use map before proceeding. Laskey proposed working on the future land use map and the master plan simultaneously.

At the April meeting, Cypher proposed going through the Findings of Fact, holding the Public Hearing and discussing the future land use map. It was proposed that the April meeting should start at 6:00 p.m. Chairman Morgan asked for a motion to begin the April 5th meeting at 6:00 p.m. **Rossi moved that the April 5th Planning Commission regular meeting start at 6:00 p.m., that the Public Hearing on the Zelinski application be held at 7:00 p.m. and the regular meeting be continued after the Public Hearing; Yoder seconded.**

Morgan, Paxton, Rossi, Vandervlucht, Yeomans and Yoder voted yes; Laskey voted no. Motion carried.

- XII. Other Items – there were no other items noted.
- XIII. ZA/Planning Commission Comment - None
- XIV. Public Comment (three minutes per person unless extended by Chair)

Mr. Flaska addressed the PC and asked that everyone think about commercial development in the area from a visionary perspective. He stated that Solon Township needs additional housing as well as a greater tax base and also mentioned that residents do not want to have to go to Traverse City for all goods and services.

A second member of the general public addressed the PC and stated that, because these meetings are considered “open meetings”, there should be less discussion among the PC members that the public cannot hear. The request to make the discussion easier for all members of the public to hear was noted.

- XV. Adjournment: There being no objection, Chairman Morgan adjourned the meeting at 9:12 p.m.

The next meeting is scheduled for Tuesday, April 5, 2022, at 6:00 p.m. at the Solon Township Hall. The regular meetings will begin at 6:00 p.m. and the Public Hearing will be held at 7:00 p.m.

Respectfully submitted,

Allison Hubley-Patterson, Recording Secretary

APPENDIX A: SOLON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

SOLON TOWNSHIP ZA'S MONTHLY PERMIT SUMMARY

PERIOD: FEBRUARY 2022

DATE	PERMIT #	NAME	USE	RECEIPT	CK.#	AMOUNT
2/7/2022	LUP 22-02	TAIT	LAND USE	202202	976186	\$ 50.00
010-055-007-75	3379 WINBERIE LANE	CHANGE OF USE - FINISH BASEMENT			618 S.F.	
2/23/2022	LUP 22-03	BRADEN	LAND USE	202203	2739	\$ 330.00
010-023-007-10	6240 E. HACKETT DR.	NEW DWELLING ATT. & DET. GARAGE DECKS PATIO			5,913 S.F.	
2/26/2022	LUP 22-04	SC FLASKA PROPERTII	LAND USE	202204	PENDING	\$100.00
010-400-012-00	9086 S. KASSON ST.	ROOF EXTENSION & REMODELING				
2/28/2022	LUP 22-05	DOUCETTE	LAND USE	202205	8349	\$190.00
010-011-011-00	6879 E. BIRCH POINT RD.	NEW DWELLING ATT. GARAGE PATIOS			4,340 S.F.	
2/28/2022	LUP 22-06	CEDAR RD. HOLDINGS	LAND USE	202206	1015	\$50.00
010-033-013-20	13937 S. CEDAR ROAD	ROAD SIDE STAND & WELL PUMP HOUSE			224 S.F.	

TOTAL \$ 720.00

SIGNED:

Timothy A. Cypher

DATE:

3/6/2022

TIMOTHY A. CYPHER
 SOLON TOWNSHIP ZONING ADMINISTRATOR
 231-360-2557
TIM@ALLPERMITS.COM